

**STATE OF WISCONSIN
MILWAUKEE AND OZAUKEE COUNTIES
VILLAGE OF BAYSIDE**

ORDINANCE NO: 06-551

An Ordinance to Create Sec. 14-8
Requiring Certificate of Compliance with the
Building and Mechanical Code, Electrical Code, Plumbing Code, Property Maintenance and
Sewer Connection and Smoke Detector Requirements on Change of Ownership of Property

The Village Board of the Village of Bayside, Milwaukee and Ozaukee Counties, Wisconsin do ordain as follows:

Section One: Sec. 14-8 of the Municipal Code is hereby created to read:

14-8 Certificate of Compliance Required for Change of Ownership

- (a) Purpose. In order to prevent the development of hazardous conditions which present a threat to the well-being of occupants of buildings and to other persons, and to prevent the deterioration of buildings and appurtenances related thereto, resulting in substantial depreciation in the property values of the neighborhood, and in order to protect the environment and preserve the aesthetic character of neighborhoods and secure the health, safety, and welfare of those living in the Village, it is necessary that buildings and appurtenances related thereto in the Village be kept in compliance and current in terms of design and construction.
- (b) Certificates of Compliance Required. Except as otherwise provided in this Code, whenever there is a proposed change of ownership of any occupied structure subject to this, or part thereof, within the Village and any appurtenances related thereto, such change of ownership shall not be made, nor shall assessment letters or other permits, certificates, or other certifications regarding the property be issued by the Village, unless and until a Certificate of Compliance has been issued by the Village Building Inspector, dated not earlier than one year prior to the change of ownership. The term “change of ownership” shall include, but not be limited to, a change of ownership of real property resulting from a gift of real property or from the death of an owner of real property pursuant to law; provided however, that a change of ownership of real property between tenants, when one of the parties continues to occupy said property shall be excepted from the requirements of this Section regarding the issuance of a Certificate of Compliance.

- (1) Temporary Certificate of Compliance. In order to avoid delay of a pending change of ownership, the Building Inspector may issue a temporary Certificate of Compliance if any code violations existing at the time of the change of ownership, in the opinion and judgment of the Village Building Inspector, are not an immediate and imminent threat to the health or safety of the owners, the tenants, or the occupants of the structure.

In the case of a temporary Certificate of Compliance, the former owner or seller and the new owner shall be jointly and severally liable and responsible for correcting all code violations existing at the time that the change of ownership occurs, and the ordered corrections must take place within the time established by the Village Building Inspector

The new owner (buyer) must submit a letter of assumption of all outstanding violations listed on the Statement of Noncompliance, also stating that the premises will be brought into compliance within thirty (30) days of closing. If outstanding violations are those of an exterior property maintenance nature, or similar matter, that requires a lengthy extension due to unfavorable, seasonal weather conditions, the new owner (buyer) must submit a letter of acknowledgement of future enforcement via the Property Maintenance Ordinance or other applicable ordinance. In this instance, a certificate of compliance can be issued before the change of ownership.

In the event a residential property is purchased with the intent to remove the existing structure and build a new residential structure, the new owner (buyer) must submit a letter of assumption for ensuring the premises will be removed or brought into compliance within sixty (60) days of closing. In order to invoke this clause, approval must first be granted by the Village Building Inspector prior to the purchase of the home.

Changing ownership or accepting change of ownership without such Certificate of Compliance is a violation of this section of the Village Code, subjecting the person, firm, or corporation so changing ownership or accepting change of ownership to the penalties hereinafter set fourth in this chapter.

- (2) No assessment letter shall be issued on any property in the Village unless such property has been issued a Certificate of Compliance or Temporary Compliance.
- (c) Requirements. A Certificate of Compliance shall be issued by the Building Inspector only after an inspection of the premises discloses that the premises are in compliance with the building and mechanical code, electrical code, plumbing code, Municipal Code Sections 102

regarding Sewers and Sewage Disposal and 42 regarding Smoke Detectors, Property Maintenance Code, and any other applicable codes.

- (1) Compliance with the provisions of said codes shall be met if the provisions of the respective codes in effect at the time of the inspection are met, or if the provisions of the codes in effect at the time the permit was issued for the particular construction or installation were met.
- (2) Current Hazardous Condition Resulting From Former Compliance. Where the structure is in compliance with the applicable code in effect at the time a permit was issued for the work in question but there is non-compliance with the current code, and wherein the opinion of the Building Inspector the non-compliance with the current code presents a hazardous condition endangering health or safety, the Building Inspector shall issue a non-compliance notice setting forth the hazardous condition and shall not issue a certificate of compliance until the hazardous condition is ameliorated.
- (d) Non-Compliance. If an inspection by the Building Inspector discloses non-compliance with any of the Village codes referred to in this section, the Building Inspector shall issue a non-compliance notice setting forth the areas of non-compliance and stating that the premises shall be brought into compliance within thirty (30) days or a reasonable time thereafter. When a subsequent inspection discloses compliance, a Certificate of Compliance shall be issued.
- (1) Occupancy of Non-Compliant Structures. If a structure remains in non-compliance after the time limit established by the Building Inspector has expired (whether pursuant to a notice of non-compliance or temporary certificate of compliance), no new occupancies shall be permitted. Entry into occupancy after the compliance period established by the Building Inspector has elapsed without such Certificate of Compliance having been issued shall subject the person, firm, or corporation so entering into occupancy, jointly and severally with the current and former owners of the structure to the penalties provided for Section 1-13 of the Municipal Code.
- (e) Occupancy of a structure without a Certificate of Compliance shall subject the person, firm, or corporation entering into occupancy, as well as the current and former owners of the structure to the penalties provided for in Section 1-13 of the Municipal Code. Each day of occupancy without a Certificate of Compliance shall constitute a separate violation of this Section.
- (f) No Warranty. A Certificate of Compliance indicates that so far as can be reasonably determined by a visual inspection of the premises and a review of Village records, the premises and structures meet the requirements of the referenced sections of the Municipal Code. Neither the Village, nor the Village Building Inspector, assumes any liability in the inspection or the issuance of a Certificate of Compliance and by the issuance of a Certificate of Compliance neither guarantees nor warrants as to the condition of the premises or structures inspected.

- (g) Permission to Inspect. If the owner of the premises refuses to grant the Village, or its representatives including the Building Inspector, permission to inspect the premises and structures, no such inspection shall be made unless a special inspection warrant authorized and provided for under § 66.0119, Wis. Stat. is properly attained.

There shall be a minimum of ten (10) working days' notice to the Village Building Inspection office before inspection of said property shall be required, subsequent to which inspection shall occur as soon as reasonably possible.

If an applicant requires an inspection beyond the availability of the Building Inspector, the fee for such service shall double the usual fee.

- (h) Fee. A fee in an amount to be determined by the Village Board from time to time shall be paid to the Village for inspection of premises and structures required for the issuance of a Certificate of Compliance. Said fee shall be paid at the time of applying for such inspection. If additional inspections are required, a fee for each re-inspection shall be paid in advance, as set forth from time to time by the Village Board.
- (i) Forms. The Building Inspector's Office shall develop, and the Village Manager shall approve the following forms for use in the administration of this Section:
 - (1) Application for Inspection and Issuance of a Certificate of Compliance.
 - (2) Certificate of Compliance.
 - (3) Certificate of Non-Compliance.
 - (4) Temporary Certificate of Compliance.
 - (5) Inspection Report and Notice of Non-Compliance Checklist.
 - (6) Frequently Asked Questions.

Section Two: Effective Date: This ordinance shall take effect and be in force from and after its passage, publication, and or October 1, 2006, whichever is later.

PASSED AND ADOPTED by the Village Board of Trustees of the Village of Bayside this 2nd day of March, 2006.

VILLAGE OF BAYSIDE

Samuel D. Dickman, Village President

Lynn Galyardt, Village Clerk / Treasurer